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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Mag. Case No, **10 MJ 8814**
Plaintiff,) COMPLAINT FOR VIOLATION OF
v.) Title 8, U.S.C., Section 1326
Roberto CORTEZ,) Deported Alien Found In the
Defendant.) United States

The undersigned complainant being duly sworn states:

On or about July 12, 2010, within the Southern District of California, Defendant Roberto CORTEZ, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) and(557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

The complainant states this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Elizabeth M. DeVries
ELIZABETH M. DE VRIES
Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF JULY 2010.

[Signature]
PETER C. LEWIS
U. S. Magistrate Judge

DOA 7/12/10

1 UNITED STATES OF AMERICA
2 v.
3 Roberto CORTEZ

4 STATEMENT OF FACTS
5
6 The complainant states this complaint is based upon the
7 investigative report of Border Patrol Agent (BPA) L. Heipt, that
8 Defendant Roberto CORTEZ (CORTEZ) was found and arrested on July
9 12, 2010, near Calexico, California.

10 At approximately 2:00 a.m., BPA C. Rubalcava was performing
11 his assigned duties approximately 22 miles west of the Calexico,
12 California West Port of Entry, when he discovered some footprints
13 near the United States/Mexico border. BPA Rubalcava tracked the
14 footprints and encountered two individuals attempting to conceal
15 themselves behind some large bushes. One of the individuals was
16 later identified as CORTEZ. BPA Rubalcava approached CORTEZ,
17 identified himself as a BPA and ascertained CORTEZ to be a
18 citizen of Mexico illegally present in the United States. BPA
19 Rubalcava placed CORTEZ under arrest.

20 Records checks revealed CORTEZ was ordered removed from the
21 United Sates to Mexico by an Immigration Judge on June 9, 2006
22 through Lancaster, California.

23 There is no evidence shown CORTEZ has applied for and sought
24 or received permission from the United States Attorney General or
25 the Secretary of the Department of Homeland Security to re-enter
26 the United States after being previously removed.